

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

CONDUCTED ELECTRICAL WEAPON (CEW)

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CALEA 6th Edition Standard: 4.1.4; 4.1.5; 4.2.1; 4.3.1; 4.3.2; 4.3.3; 4.3.4

309 CONDUCTED ELECTRICAL WEAPON (CEW)

309.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of a Conducted Electrical Weapon (CEW).

309.2 POLICY

The CEW is intended to control a violent or potentially violent individual, while minimizing the risk of serious injury. The appropriate use of such a device should result in fewer serious injuries to officers and suspects.

309.3 ISSUANCE AND CARRYING CEW

The following apply to the issuance and carrying of a CEW:

1. Only members who have successfully completed department-approved training may be issued and carry a CEW. Officers who have been issued a CEW shall wear the CEW anytime they are working regular-duty or extra-duty in CPD uniform.
2. CEWs are issued for use during an officer's current assignment with those officers in uniformed functions such as Patrol and Street Crimes Units having first priority. Officers leaving a particular assignment may be required to return the CEW to the department's inventory.
3. Officers shall only use the CEW and cartridges that have been issued by the Department. Uniformed officers who have been issued a CEW shall wear the device in a holster, provided by the department, on their person.
4. Members carrying a CEW should perform a daily function check and spark test on the unit in accordance with established procedure prior to every shift. Members carrying the CEW should perform a quarterly download of their CEW in accordance with established procedure outlined in annual training. This is to ensure all CEW units have the latest updates installed and to correct any downloading issues.
5. Officers shall carry the CEW in a manner such that, absent exigent circumstances, the CEW is drawn with the support hand and from the support side opposite the officer's duty weapon. Nothing in this policy prohibits the officer from transitioning the CEW to the strong hand after it is drawn.
6. Whenever practicable, officers should carry two cartridges on their person when carrying the CEW.
7. Officers shall be responsible for ensuring that their CEW is properly maintained and in good working order.
8. An Officer should not hold both a firearm and the CEW at the same time.

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309.4 CEW DAILY FUNCTION CHECK PROCEDURE

309.4.1 PURPOSE AND SCOPE

This procedure is intended to establish the process for conducting the CEW function check.

309.4.2 INITIATING THE CEW FUNCTION CHECK

Every officer issued a CEW shall perform a function check, to include a spark test, at the beginning of every shift. A full 5-second spark/functionality test should be conducted prior to the start of your shift. The function check should be conducted at a clearing barrel or chamber, when practicable, and done in accordance with department approved/provided training. Extra care should be taken to:

1. Check the CID to ensure there are no fault icons.
2. Point in a safe direction.
3. Keep body parts away from the front of the cartridge.
4. Put safety switch in the up (ARMED) position.
5. Depress the ARC switch.
6. Visually and audibly inspect the arc from arm's length.
7. Listen for typical spark pulse rate and if pulse rate is slow replace battery and retest. If still slow, take out of service.
8. Be aware of potential stress memory concerns of deactivating CEW in field use too quickly.
9. Put safety switch in the down (SAFE) position.

309.4.3 FUNCTION CHECK CONSIDERATIONS

Prior to conducting the spark test, the operator should evaluate the following:

1. Condition of the cartridge(s) (all issued cartridges should be checked).
 - a. Both blast doors are in place and unobstructed.
 - b. There are no cracks or structural issues with the cartridge(s).
2. Condition of the device.
 - a. There are no cracks, missing pieces or other structural issues with the device.
 - b. The PPM is properly and securely seated in the device.

When conducting a CEW spark test, the operator should evaluate the following:

1. Overall operation of the device
 - a. The safety moves smoothly from the Safe position to the Fire position.
 - b. There is more than 20% power remaining in the PPM.
 - c. The laser and/or light function properly.
 - d. An arc appears between the two poles when the operator depresses the ARC switch.
 - e. A quick popping sound is audible as the spark appears.

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309.5 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW should precede its application, unless it would otherwise endanger the safety of officers or when it is not practicable due to the circumstances. The purpose of the warning is to:

1. Provide the individual with a reasonable opportunity to voluntarily comply.
2. Provide other officers and individuals with a warning that the CEW may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc, or the laser, in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the CEW in the related report.

309.6 USE OF THE CEW DEVICE

The CEW has limitations and restrictions requiring consideration before its use. The CEW should only be used when its operator can safely approach the subject within the operational range of the device. Although the CEW is generally effective in controlling most individuals, officers should be aware that the CEW may not achieve the intended results and be prepared with other options. An officer using the CEW should have a second officer present to serve as lethal cover if practicable.

309.6.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

1. The subject is violent or is physically resisting.
2. The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others.

The above is not an all-inclusive list and the use of the CEW is not limited to only those examples.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the CEW to apprehend an individual.

309.6.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the CEW on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a

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greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the CEW. This includes:

1. Individuals who are known to be pregnant.
2. Elderly individuals or individuals who appear to be frail or easily injured.
3. Obvious juveniles.
4. Individuals with obviously low body mass.
5. Individuals who are handcuffed or otherwise restrained.
6. Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capicum (OC) spray.
7. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, in/near a body of water).

Because the application of the CEW in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

The CEW shall not be used to psychologically torment, elicit statements or to punish any individual.

309.6.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the CEW probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

309.6.4 MULTIPLE APPLICATIONS OF THE CEW

Officers should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the deploying officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the deploying officer should consider certain factors before additional applications of the CEW, including:

1. Whether the probes are making proper contact.
2. Whether the individual has the ability and has been given a reasonable opportunity to comply.
3. Whether verbal commands, other options or tactics may be more effective.

Officers should generally not intentionally apply more than one CEW at a time against a single subject.

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309.6.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all CEW discharges. Several AFID's, the expended cartridge, along with both probes and wire, should be collected and submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

309.6.6 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

309.6.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry a department CEW while off-duty unless working in an extra-duty law enforcement employment situation as described in policy 1041.

Officers shall ensure that CEWs are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.

309.7 DOCUMENTATION

Officers shall document all CEW discharges in the related offense report and Blue Team entry. Notification shall also be made to a supervisor in compliance with the Response to resistance Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device (outside of a normal function check) will also be documented.

Items that shall be included in the report and/or Blue Team entry are:

1. The type and brand of CEW and cartridge and cartridge serial number.
2. Date, time and location of the incident.
3. Whether any display, laser or arc deterred a subject and gained compliance.
4. The number of CEW activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
5. The range at which the CEW was used.
6. The type of mode used (probe or drive-stun).
7. Location of any probe impact.
8. Location of contact in drive-stun mode.
9. Description of where missed probes went.
10. Whether, and what, medical care was provided to the subject.
11. Whether the subject sustained any injuries.
12. Whether any officers sustained any injuries.

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13. Identification of all personnel firing CEWs
14. Identification of all witnesses.
15. Observations of the subject's physical and physiological actions.
16. Any known or suspected drug use, intoxication or other medical problems.

The supervisor over police training or designee should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The supervisor over police training or designee should also conduct audits of data downloads and reconcile IA Pro data with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

309.8 MEDICAL TREATMENT

Absent extenuating circumstances, only officers trained in the removal of probes or appropriate medical personnel should remove CEW probes from a person's body. Only medical personnel should remove probes from sensitive areas such as the groin or female breasts. Used CEW probes shall be treated as a sharps biohazard, similar to a used hypodermic needle, and handled appropriately. Universal precautions should be taken.

All persons who have been struck by CEW probes or who have been subjected to the electric discharge of the device shall be medically assessed prior to booking. Additionally, any such individual who falls under any of the following categories should, as soon as practicable, be examined by paramedics or other qualified medical personnel:

1. The person is suspected of being under the influence of controlled substances and/or alcohol.
2. The person may be pregnant.
3. Elderly individuals or individuals who appear to be frail or easily injured.
4. The person reasonably appears to be in need of medical attention.
5. The CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).
6. The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically evaluated prior to booking. If any individual refuses medical attention, such a refusal should be witnessed by another officer and/or medical personnel and shall be fully documented in related reports. If an audio/video recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

309.9 SUPERVISOR RESPONSIBILITIES

If possible, supervisors should respond to calls where a CEW is likely to be used. Absent exigent circumstances, a supervisor should respond to all incidents where the CEW was activated.

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A supervisor shall review each incident where a person has been exposed to an activation of the CEW. The CEW's onboard memory shall be downloaded through the data port and the printout shall be included with the related offense report. Photographs of probe sites should be taken and witnesses interviewed.

309.10 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing department-approved training from a certified CEW instructor and demonstrating proficiency to the instructor. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall be recertified by a certified CEW instructor prior to again carrying or using the CEW.

Proficiency training for personnel who are authorized to use and have been issued CEWs should occur annually by a certified CEW instructor. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by a supervisor. All training and proficiency for CEWs will be documented in the officer's training file. Any officer who fails to demonstrate proficiency with the CEW will receive remedial training and will not be allowed to carry the CEW until proficiency is demonstrated.

Command staff, supervisors and investigators should receive CEW training as appropriate for the investigations they conduct and review.

Officers who do not carry CEWs should receive training that is sufficient to familiarize them with the CEW and with working with officers who use the CEW.

The supervisor over police training or designee is responsible for ensuring that all members who carry CEWs have received initial and annual proficiency training from a certified CEW instructor.

Actual exposure to the CEW (i.e. "being tased") during training could result in injury to personnel and shall not be mandatory for certification.

The supervisor over police training or designee should ensure that all CEW training includes at a minimum:

1. A review of this policy.
2. A review of policy 300 Response to Resistance.
3. The most current training curriculum of the CEW in use at the time.

The signature provided by each individual officer (including electronic signatures) on the POST sign-in document will serve as confirmation that the officer was delivered, received and understands the above mentioned policies and instruction material provided in the training. The signature (including electronic signature(s)) of the instructor on the same POST sign-in document will serve as confirmation that each officer listed on the document attended the training course in its entirety.